

SEC. 2862. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking “that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath” and inserting “that are beneath”; and

(2) by adding at the end the following new subsection:

“(e) **SUNSET DATE.**—This section shall expire on October 1, 2013.”.

AMENDMENT NO. 3044

(Purpose: To prohibit the use of earmarks for awarding no-bid contracts and non-competitive grants)

At the end of subtitle B of title VIII, add the following:

SEC. 827. PROHIBITION ON USE OF EARMARKS TO AWARD NO BID CONTRACTS AND NONCOMPETITIVE GRANTS.

(a) **PROHIBITION.**—

(1) **CONTRACTS.**—

(A) **IN GENERAL.**—Notwithstanding any other provision of this Act, all contracts awarded by the Department of Defense to implement new programs or projects pursuant to congressional initiatives shall be awarded using competitive procedures in accordance with the requirements of section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) **BID REQUIREMENT.**—Except as provided in paragraph (3), no contract may be awarded by the Department of Defense to implement a new program or project pursuant to a congressional initiative unless more than one bid is received for such contract.

(2) **GRANTS.**—Notwithstanding any other provision of this Act, no funds may be awarded by the Department of Defense by grant or cooperative agreement to implement a new program or project pursuant to a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive or merit-based procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant or cooperative agreement may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3) **WAIVER AUTHORITY.**—

(A) **IN GENERAL.**—If the Secretary of Defense does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the new program or project—

(i) cannot be implemented without a waiver; and

(ii) will help meet important national defense needs.

(B) **CONGRESSIONAL NOTIFICATION.**—If the Secretary of Defense waives a bid requirement under subparagraph (A), the Secretary must, not later than 10 days after exercising such waiver, notify Congress and the Committees on Armed Services of the Senate and the House of Representatives.

(4) **CONTRACTING AUTHORITY.**—The Secretary of Defense may, as appropriate, utilize existing contracts to carry out congressional initiatives.

(b) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2008, and December 31 of each year there-

after, the Secretary of Defense shall submit to Congress a report on congressional initiatives for which amounts were appropriated or otherwise made available for the fiscal year ending during such year.

(2) **CONTENT.**—Each report submitted under paragraph (1) shall include with respect to each contract, grant, or cooperative agreement awarded to implement a new program or project pursuant to a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) **PUBLICATION.**—Each report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Defense.

(c) **CONGRESSIONAL INITIATIVE DEFINED.**—In this section, the term “congressional initiative” means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(1) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that provision of law or directive and that was not requested by the President in a budget submitted to Congress;

(2) the specific location at which the work for a project is to be done; and

(3) the amount of the funds appropriated or otherwise made available for such project.

(d) **APPLICABILITY.**—This section shall apply with respect to funds appropriated or otherwise made available for fiscal years beginning after September 30, 2007, and to congressional initiatives initiated after the date of the enactment of this Act.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. Chairman, there will be no more votes tonight. We have tried to work something out on the Kyl-Lieberman amendment and the Biden amendment. We have been unable to do that.

We have been very close a few times, but we have just been informed that Senator BIDEN will not have a vote anytime in the near future. There will not be a vote on the other one anytime in the near future. We hope tonight will bring more clearness on the issue.

But right now, I think it is fair to say there will be no votes tonight.

Does the Senator from South Dakota have any comments?

Mr. THUNE. No, I do not. I would say to the leader, that is good for our Members to know. We have Members who have been inquiring whether they will be able to vote.

Mr. REID. Let me say this: One thing I have done is, anytime I know there is going to be no votes, Senator MCCONNELL is the first to know. If there is a Monday we are not going to have votes, I let everybody know; nighttime vote. I

think that has worked pretty well. There are no surprises.

Now, sometimes things just do not work out. But anytime we decide, on this side, the majority, there are not going to be votes, Senator MCCONNELL knows. That is an arrangement I made with him. I have stuck to that for the last 8 months.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BURMA

Mr. DURBIN. Mr. President, for the last several months I have been coming to the floor with some frequency to speak about the tragic events in Darfur. That ongoing humanitarian crisis is a constant reminder of how many in this world still live under tragic circumstances and brutal governments.

Yet the human spirit continues to fight for change, even under these difficult conditions, something that has been so movingly evident in the recent days in the country of Burma. During the last week, the world has watched as thousands of Burmese have peacefully called for political change in one of the world's most repressive countries. Reuters reported today that 10,000 Buddhist monks continue to march through the largest city, Rangoon, chanting “democracy, democracy.”

The streets are lined with between 50,000 to 100,000 clapping, cheering supporters. I speak today to lend my support to these peaceful protests and call on the Burmese military to immediately begin working with Nobel Prize winner Aung San Suu Kyi and U.N. Envoy Ibrahim Gambari to bring about a peaceful transition to real democracy in Burma. It should also unconditionally release all political prisoners.

I also call on the Government of China to use its special relationship with the Burmese Government to constructively foster these long overdue changes. As a permanent member of the U.N. Security Council, China has a particular responsibility to take action and to do it rapidly.

Sadly, this tragedy has been going on for way too long. Following decades of totalitarian rule, the Burmese people,